IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

MONDAY, THE FIFTH DAY OF JULY
TWO THOUSAND AND FOUR

THE HONOURABLE SRI JUSTICE K.C. BHANU

WRIT PETITION No.10729 of 2004

Between:

Sri P. Appala Naidu, S/o. Bhimudu, aged 50 years,
Secretary, Poosapatirega PACS, R/o. Poosapatirega
Village and Mandal, Vizianagaram District.

…**PETITIONER**

AND

1.The Registrar, Co-operative Societies, Hyderabad.
2.The Joint Registrar-cum-District Cooperative Officer,
Vizianagaram District.
3.The Deputy Registrar-cum-Divisional Cooperative Officer,
Vizianagaram District.
4.The Branch Manager/PIC-Chairperson,
Poosapatirega PACS, Poosapatirega Mandal,
Vizianagaram District.

…**RESPONDENTS**

Petition under Article 226 of the Constitution of India to issue an order, direction or writ more particularly a writ of mandamus directing the respondents to reinstate the petitioner as Secretary, Poosapatirega PACS by holding the Proceedings dated 19.05.2004 issued by the 4th Respondent as arbitrary, illegal and unconstitutional.

Counsel for the Petitioner : Ms. I. MAAMU VANI, Advocate

Counsel for the Respondent Nos.1 to 3 : GP FOR COOPERATION

Counsel for the Respondent No.4 : None appeared.

This Court at the admission stage made the following :

ORDER:

The impugned proceedings dated 23.4.2004 was issued by the second respondent-Joint Registrar-cum-District Cooperative Officer, Vizianagaram District directing the third respondent-Deputy Registrar to take disciplinary action against the writ petitioner, who alleged to be responsible for financial irregularities in the Society. A direction under Section 59 of the A.P. Cooperative Societies Act, 1964 (for short "the Act) to place the writ petitioner under suspension was given.

2. The learned counsel appearing for the petitioner contended that the Authority, who issued this impugned notice, did not indicate the period of suspension and also he has not issued any direction to place the writ petitioner under suspension. Therefore, it is completely in violation of Section 59 of the Act.

3. On the other hand, the learned Government Pleader appearing for the respondents contended that the respondents will take suitable action against the petitioner as per law, as he committed grave irregularities. The petitioner was placed under suspension by an order dated 23.4.2004 by the first respondent basing on the recommendation of the Inspecting Officer. Therefore, the impugned proceedings have been issued placing the writ petitioner under suspension. The third respondent also directed the General Manager, District Cooperative Bank Ltd., Vizianagaram to take necessary action in this regard.

4. Under Section 59 of the Act, the Registrar may, in his opinion, that there is a prima facie evidence against the Paid Officer or Servant and the suspension of such Officer or Servant is necessary in the interests of Society, direct the Committee pending investigation and disposal of the matter, to place the Officer under suspension from such

date and for such period, as may be described by him.

5. In this case, admittedly the impugned proceedings do not indicate the period of suspension and that it does not indicate the direction to the Managing Committee to take further action. Therefore, the impugned order suffers from serious infirmity, as it has completely in violation of Section 59 of the Act.

6. Therefore, at the request of both the counsel, the writ petition is disposed of, setting aside the impugned proceedings. However, this order will not preclude the Respondent-Authorities to take appropriate action against the petitioner in accordance with law. In the circumstances of the case, no costs.

K.C. BHANU, J

05th July, 2004.

Note:
Issue CC in
two days.
(B/o)
YS

To
1.The Registrar, Co-operative Societies, Hyderabad.
2.The Joint Registrar-cum-District Cooperative Officer,
Vizianagaram District.
3.The Deputy Registrar-cum-Divisional Cooperative Officer,
Vizianagaram District.
4.The Branch Manager/PIC-Chairperson,
Poosapatirega PACS, Poosapatirega Mandal,
Vizianagaram District.
5.Two CCs to the Government Pleader for Cooperation, High Court
Buildings, Hyderabad (O.u.T).
6.Two CD copies.